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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: *Structures and Practices of the Video Relay Service Program*, CG Docket No. 10-51; *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123

Dear Ms. Dortch,

By this letter, ZVRS Holding Company, parent company of CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies”), expresses its support for the Petition for Reconsideration (“Petition”) filed by the Interstate Telecommunications Relay Service (“TRS”) Fund Administrator on behalf of the Interstate TRS Advisory Council (“Council”) in the above-referenced proceedings.¹ The Petition seeks reconsideration of the commencement date and compensation rates for the voluntary trial of skills-based routing of calls pertaining to legal, medical, and technical computer support (the “Trial”) authorized in the Commission’s March 23, 2017 Report and Order on Video Relay Service (“VRS”) improvements.² In particular, the Council recommends that the Commission

¹ See Rolka Loube Associates LLC Petition for Reconsideration, CG Docket Nos. 03-123 & 10-51 (filed Sept. 21, 2017).

² See *Structure and Practices of the Video Relay Service Program, et al.*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd. 2436, ¶¶ 4-9 (Mar. 23, 2017) (“Report and Order”) (authorizing a voluntary trial of skills-based routing for three categories of specialized calls and announcing that participating VRS providers will be compensated at the applicable rate for minutes of use whether handled by a generalist or specialist interpreter).



(1) allow all participating providers to be compensated at the emergent rate of \$5.29 per conversation minute during the trial, subject to the providers' submission of actual cost data during the trial period; and (2) establish new abbreviated deadlines for VRS providers to notify the Commission of their intent to participate in the Trial, and commence the trial as quickly as possible.³

The Companies support the Petition and encourage the Commission to adopt the Council's recommendations. The success of the skills-based routing Trial is entirely dependent on the participation of VRS providers. Yet as the Council correctly observes, none of the providers were willing to voluntarily enroll in the pilot.⁴ The Companies share the Council's concerns that VRS providers are hesitant to participate in the Trial because the "standard" compensation rates for skills-based routing of calls are insufficient to cover the VRS providers' costs, and because the deadline for providers to notify the Commission of their intent to participate in the Trial occurred prior to the Commission's setting of the standard VRS compensation rates for calls handled during the Trial period.⁵

The Companies previously notified the Commission of their support for and preliminary intent to participate in the Trial.⁶ The Companies indicated, however, that ZVRS and Purple were unable to commit to participating in the Trial by the June 1, 2017 deadline because the Commission had not yet adopted VRS compensation rates for the 2017-2018 Fund Year. The

³ Petition at 6, 8.

⁴ *Id.* at 3.

⁵ *See id.*

⁶ *See* Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company, to Marlene H. Dortch, Secretary, FCC, in CG Docket Nos. 03-123 & 10-51 (filed May 24, 2017).



Companies explained that they would need to know the compensation rates in order to evaluate whether they have the resources and financial means to participate in the Trials since participation would require investment of finance and resources. Now that these rates have been set for the 2017-2018 Fund Year, ZVRS and Purple are evaluating whether they can afford to participate in the Trial. The Council's recommendation to compensate providers at the emergent rate of \$5.29 per minute for skills-based calls will encourage participation in the Trial and enable providers to provide specialized services to meet the needs of the Deaf, DeafBlind and Hard of Hearing community.

The Companies understand the Commission's rationale for its initial decision not to increase compensation rate for skills-based routing of calls given the lack of data concerning the costs and benefits of providing such services.⁷ However, the Commission must also recognize that this type of trial program is the first of its kind. Even if the Commission believes that it lacks sufficient information regarding projected costs associated with the Trial, it is an indisputable fact that the cost of employing a specialist CA is higher than generalist CA. The Commission noted in the Report & Order that providers were unable to quantify the costs.⁸ To arrive at a projected cost of offering skills-set routing of calls for the duration of the Trial period, however, providers must come up with as close an estimate as possible on the projected demand.

Given that this type of skills-based routing is entirely new, it is not realistic to expect that providers will be able to accurately predict the demand for this service. In order to be able to

⁷ See Report and Order at para¶ 9 (reasoning that without knowing the extent of costs associated with handling skills-based calls, the Commission is "not in a position to assess whether their compensation is justifiable in relation to the potential benefits of this feature.").

⁸ *Id.*



determine and meet the demand for skills-based calls, ZVRS and Purple will need to closely monitor users' demand for the service on an ongoing basis. Additionally, there is a limited pool of interpreters, and many skilled interpreters who work as CAs for VRS providers also work in the community. Consequently, it may be difficult for ZVRS and Purple to ensure appropriate staffing levels to satisfy user demand due to scheduling conflicts or a lack of available interpreters who possess the skills necessary to handle these types of specialized calls. Moreover, not only would ZVRS and Purple be taking a financial risk to participate in the skills-based Trial, they would also be risking their reputations in the event that they cannot meet customers' demands for specialist CAs. In the event that ZVRS and Purple are unable to hire enough specialized interpreters at a higher wage, customers seeking skills-based services would be forced to wait an extended period of time for the next available CA. A higher compensation rate would help minimize this risk by offsetting some of the Companies' costs of recruiting specialized interpreters needed to satisfy customer demand.



For the reasons stated above, the Companies respectfully request that the Commission grant the Petition and increase the compensation rates for skills-based routing of calls to a level that will encourage ZVRS, Purple, and other providers to participate in the Trials. The Companies are confident that the Trial will provide meaningful data necessary for the Commission and stakeholders to develop standards of metrics for assessment of the costs and benefits of skills-based routing, consistent with the objectives outlined in the Commission's Report and Order.

Respectfully submitted,

/s/
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